

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TOMOKO FUNAYAMA

Plaintiff,

v.

CITY OF PHILADELPHIA, et. al.,

Defendants.

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CIVIL ACTION

13-2667

ORDER

AND NOW, this 9th day of April 2015, upon consideration of defendants' motion for summary judgment, doc. no. 31, and plaintiff's response thereto, doc. no. 34, **IT IS HEREBY ORDERED** that:

- 1.) Defendants' motion for summary judgment, doc. no. 31, is **GRANTED** as to plaintiff's claims against the City of Philadelphia and Officer Robert Klineburger;
- 2.) Defendants' motion is **GRANTED** as to plaintiff's Fourth Amendment claim;
- 3.) Defendants' motion for summary judgment is otherwise **DENIED**;
- 4.) Plaintiff's First Amendment claim will proceed to trial against Officer Michael Lawson; and
- 5.) This case is referred to the Honorable Henry S. Perkin for the purpose of conducting a scheduling conference.

BY THE COURT

/s/ Lawrence F. Stengel
LAWRENCE F. STENGEL, J.